

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

GORDON D. SONDLAND,)	
)	
Plaintiff,)	
)	
v.)	No. 21-2083C
)	(Senior Judge Smith)
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT’S UNOPPOSED MOTION
FOR AUTHORIZATION TO SERVE SUBPOENAS UPON
INDIVIDUALS LOCATED MORE THAN 100 MILES FROM THE TRIAL

Pursuant to Rule 45(c)(1)(B) of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court enter an order authorizing the issuance of subpoenas to compel the following proposed trial witnesses to travel more than 100 miles to testify at the trial in this matter, which is scheduled to begin on February 10, 2025, in Washington, D.C.:

Brian Bulatao
Colleyville, TX (residential address withheld for privacy)

Ulrich Brechbuhl
Brookhaven, GA (residential address withheld for privacy)

Plaintiff, through counsel, does not oppose our subpoenaing these witnesses. Specifically, plaintiff’s counsel stated, on January 21, 2025, that plaintiff “will not oppose [defendant] subpoenaing these witnesses.”¹

Good cause exists for the issuance of subpoenas to these witnesses. Both will be listed on defendant’s witness list to be filed on February 3, 2025. *See* ECF No. 63. Mr. Bulatao is

¹ Plaintiff’s counsel added that this “does not mean in any way that [plaintiff] may not object to their testimony.”

expected to be called as a witness by defendant, and Mr. Brechbuhl may be called as a potential rebuttal witness by defendant. Accordingly, their availability for trial will be necessary for defendant to present its case and potentially to rebut plaintiff's case, and both have informed defendant's counsel that they are available to travel to the place of trial. Mr. Bulatao and Mr. Brechbuhl reside more than 100 miles from Washington, D.C., are not employees or agents of defendant, and will not incur substantial expense for their travel. *See* RCFC 45(c)(1)(B).

The Court of Federal Claims is a court of nationwide jurisdiction in which cases arise throughout the United States. *See Scott Timber, Inc. v. United States*, 93 Fed. Cl. 498, 499 (2010) (citing 28 U.S.C. § 2505 and Rule 45 of the RCFC Rules Committee note, 2002 revision). Unlike litigants appearing in the Federal district courts, parties appearing before this Court must have greater latitude to subpoena trial witnesses outside 100 miles from the place of trial. *Compare* Fed. R. Civ. P. 45, *with* RCFC 45. The Court's nationwide jurisdiction, and the good cause shown above, therefore establish the basis for authorizing defendant to issue subpoenas requiring Mr. Bulatao and Mr. Brechbuhl to travel to Washington, D.C. for trial.

Respectfully submitted,

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January 23, 2025

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